

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15015 of Mr. & Mrs. Peter Hannaford, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to a nonconforming structure that now exceeds the percentage of lot occupancy requirements [Paragraph 2001.3(a)] for a proposed second story addition to a single-family dwelling in an R-3 District at premises 2700 O Street, N.W., (Square 1239, Lot 152).

HEARING DATE: June 14, 1989
DECISION DATE: July 5, 1989

FINDINGS OF FACT:

1. The property is located at the southwest corner of the intersection of 27th and O Streets, and is known as premises 2700 O Street, N.W. It is zoned R-3.

2. The site is rectangular in shape and generally level. The site has a frontage of 43 feet along O Street and 24.2 feet along 27th Street for a total lot area of 1,041 square feet.

3. The site is developed with a three-story semi-detached single family dwelling with a ground level one-car garage. The existing dwelling was constructed in approximately 1940.

4. The area surrounding the site is predominantly developed with moderate density residential uses, primarily row dwellings, interspersed with semi-detached dwellings and garden apartments. Rose Park Playground is located directly across 27th Street from the site.

5. The property is currently nonconforming with respect to rear yard, lot area and lot occupancy. The R-3 District requires a minimum lot area of 2,000 square feet. The subject site has a lot area of 1,041 square feet. The maximum permitted lot occupancy is sixty percent or 624.6 square feet. The existing lot occupancy of the subject site is 654.31 square feet or approximately 63 percent.

6. The applicants propose to enclose an existing terrace area located atop the first level garage. The proposed glass enclosure is adjacent to the master bedroom

and would provide sunroom or greenhouse space measuring approximately 55 square feet in area.

7. The proposed addition is intended to provide the applicants with quiet enjoyment of the existing terrace area. The applicants testified that due to heavy traffic on the adjacent streets and the location of outdoor public tennis courts directly across the street, the use of the existing terrace area is impractical for outdoor enjoyment. In addition, the proposed enclosure will buffer the existing noise levels to the adjacent bedroom.

8. The proposed addition will not increase the existing lot occupancy of the site nor change the use of the structure. Due to the nonconforming lot occupancy of the subject building, no addition to the structure would be allowed without the requested variance relief.

9. The record contains a letter from a nearby property owner and a petition in support of the application. The petition contains the signature of the property owner adjacent to the proposed addition.

10. The record contains two letters in opposition to the application. The opposition was generally based on the following:

- a. The site is already overbuilt.
- b. The addition would be obtrusive since it is visible from both 27th and O Streets.
- c. If the required variance is granted other deviations from the Zoning Regulations would be sought by nearby property owners.

11. The Office of Planning (OP), by memorandum dated June 6, 1989, recommended approval of the application. The OP was of the opinion that the applicants' practical difficulty is associated with the fact that the nonconforming dwelling existed prior to the adoption of the Zoning Regulations. The OP was further of the opinion that the strict application of the Zoning Regulations would result in an exceptional and undue hardship upon the owner of the property.

12. Advisory Neighborhood Commission 2E, by letters dated May 23 and June 2, 1989, opposed the granting of the required relief based on the following:

- a. The existing structure is nonconforming and the addition will add to the existing nonconformity of the structure.
- b. The applicants failed to meet the requisite burden of proof for variance relief.

13. In addressing the issues and concerns of the ANC and the opposition, the Board finds that the proposed addition is minimal in size and does not increase the existing nonconformity of the building. The Board notes that it decides each application based on its individual merits and that the granting of the instant case would not establish a precedent.

CONCLUSIONS OF LAW AND OPINION:


Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicants are seeking an area variance, the granting of which requires the showing of an exceptional or extraordinary condition inherent in the property itself which creates a practical difficulty upon the owner. The Board concludes that the existing nonconformity of both the lot and the existing dwelling, which pre-dates the current Zoning Regulations, result in an extraordinary condition of the property which creates a practical difficulty upon the owner. The existing nonconformity is minimal and the proposed addition will not result in an increase in the existing lot occupancy nor create an additional nonconforming aspect of the site. The Board concludes that it has afforded the ANC the "great weight" to which it is entitled.

The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, Carrie L. Thornhill, Paula L. Jewell and William F. McIntosh to grant; John G. Parsons abstaining by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

NOV 16 1989

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15015order/BHS14

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 15015

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated NOV 16 1980, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Joseph E. Wnuk Architects, PC
520 - 10th Street, N.W.
Washington, D.C. 20004

Mr. & Mrs. Peter Hannaford
2700 O Street, N.W.
Washington, D.C. 20007

Rory F. Quirk, Chairperson
Advisory Neighborhood Commission 2-E
1041 Wisconsin Avenue, N.W.
Washington, D. C. 20007

A handwritten signature in dark ink, appearing to read "ELC", is written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: NOV 16 1980